

FILED

Case 1:08-cv-00571

Document 11

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MARCH 6, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

FEB 26 2008
Feb 26, 2008 MD
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Develle Spencer

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

Judge Robert W. Gettleman.

vs.

Case No: 08 C 0571
(To be supplied by the Clerk of this Court)

Thomas Dart - Sheriff of Cook County

Director, Cermak Health Services, Mr. Simon M.D. or predecessor of office at the time.

Dr. Carlos Altez, Dr. Y. Yu

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

AMENDED COMPLAINT

☒ COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐ COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐ OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: Develle Spencer
- B. List all aliases: Phillip Owens
- C. Prisoner identification number: 20060097519
- D. Place of present confinement: Cook County D.O.C.
- E. Address: P.O. Box 089002 Chgo, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Thomas Dart
 Title: Sheriff of Cook County
 Place of Employment: Cook County's Sheriff Department
- B. Defendant: Mr. Simmon M.D. or predecessor of office
 Title: Director of Cermak Health Services
Cook County Doc
 Place of Employment: 2800 S. California, Chgo, IL 60608
- C. Defendant: Dr. Carlos Altez
 Title: Doctor / Physician
Cook County Dept. of Correction
 Place of Employment: 2800 S. California, Chgo IL 60608

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

D Defendant: Dr. Y. Yu

Title: Physician / Doctor

Cook County Dept of Correction

Place of Employment: 2800 S. California Chgo, IL 60608

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Develle Spencer v. ^{Walsh} City of Chicago, Illinois, City of Chicago Police #08C-0262
Develle Spencer v. Law Office Edwin A. Burnette, etc #08C-0571 Develle Spencer v. Thomas Dart #08C-0571
- B. Approximate date of filing lawsuit: 1/2008
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Develle Spencer
Duelle Remond Spencer AKA Phillip Owens
- D. List all defendants: City of Chicago, Chicago Police Dept., officers
Walsh, etc. Sebastian, Sgt. Stephen Piestrak
Law Office Cook County Public Defender - Edwin A. Burnette, Asst.
Public Defender Camille Celebrese, Thomas Dart Sheriff Cook County,
Director of Cook County Health Services Mr. Simon, Dr. Altaz, Dr. Yli
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District of Illinois Eastern Division
- F. Name of judge to whom case was assigned: Judge Hart, Judge Manning, Judge
Gottelman
- G. Basic claim made: Violation of Constitutional Rights
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Amended, pending, pending
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

It is while in the custody and under the care of, Thomas Dart - Cook County Sheriff.
Cook County Department of Corrections (CCDOC) and by the department policy regarding
detainee's general welfare & safety. Plaintiff, Dorelle Spencer, was denied appropriate Medical
care by delay of providence to injuries. It was through these physicians unprofessional conduct,
dereliction and deferring of duties - Dr. Y. Yu and Dr. Carlos Altez. Whom refused to
refer Plaintiff, whose with a lower back and foot injury, to appropriate physician (Foot Dr.)
proper medical care and a thorough appropriate examination to plaintiff's injuries. Instead
these defendants focus went to a bizzar and non professional level of shuffling the workload
on each other. This being administering a cortizone shot - (note nothing - reference to back pains) - injection
to assist rebuild muscle fibers in my foot. Which this info. is from the Ft. Dr., 1-26-08. Cermak
Clinic, On November 13th 2007. A Tuesday, and after previously been seen, 10-26-07, by Dr. Yu Doctor C. Altez
referred to Dr. Yu about plaintiff's injury openly while in the presence of plaintiff. Administering injection
was established and the date was suggested by Dr. Yu to be set for Thursday Nov. 15th 07, but Dr
C. Altez utter reply was uh-uh you're not here. So I schedule him for Dr. Yu insisted Thursday
while Dr. Altez in a raised voice saying Friday Nov. 16th 2007. Over an approx. course of
8 Wks. in which time plaintiff irritably suffered a harsh "resilience" and lower back pain since
the incident occurred 10-26-07. Other than while on the dispensary ^{Prescribed} Medication was never received.
Medical staff's "adopted procedure" to undercut labor of standard procedure here (CCDOC) using 3rd parties
" on 10-26-07 Plaintiff was, without professional consideration, okay'd to be brought to dispensary
(Medical) Not with support of gurnee, wheel chair, and or Krutches, but to improvise
as best could under Plaintiff's ill conditions. A deviation from applicable standard of care.
To be seen by Physician Dr. Yu. Whom hadn't so much wrapped, or ordered to be wrapped nor cold or
hot compress given. Just I Bu profen, and scheduled for cortizone injection. That occurred 01/2008.

(detainees) to deliver, in bulk, medication to numerous detainees in their assigned cells (keep or else) during passants. Instead of following procedure, The aspirin given for a torn Muscle in the foot's bottom "which is constantly subjected to pressure of 235 lbs bodyweight, plus "A stab in the dark medication" (Muscle relaxer) an assumed remedy for Plaintiff's lower back, An unattended injury. In fact it wasn't until late January 2008 Plaintiff actually received care for his back issue, the Med-ication's proper examination (X-Ray). Medication prescribed: never Received with exception to plaintiff being in the dispensary (Clinic) 11.13.07 Dr. Altez scheduled for Ft. Dr. and Meds. 12/05/07-12/24/2007, Med. 1 Relaxer & I Buprofen. No deliver. 12.31.07. Relaxer No delivery to Plaintiff Prescribed Dr. Y. Yu; also on 12.31.07. scheduled plaintiff for "Foot Specialist/Physician" For 1.08.08; Denied medical attention to injur and rescheduled again on 1.08.08 - (Nothing mentioned of Plaintiff's back = Complained ^{on his}) to 1.10.08. denied medical attention, again, rescheduled to 1.15.08 Dr. Altez rescheduled for Ft. Dr. /prescribed muscle relaxer, I Buprofen I Buprofen received while in dispensary 1.15.08. 1.20.08 Seen foot physician, Cortizone injection administered. Well, ^ date of injury and natural resilience took its toll. As for my lower back, ever since incident occurred during recreation gym room slippery dust ridden floors. 10.26.07. has enabled Plaintiff not to sit ~~OR~~ stand for long periods of time During such events bending down becomes difficult and Plaintiff feels loss of control of, lower ~~Right~~ Back pains, then loss of (or weaken) Right leg. Control. Plaintiff still to this current day complains Feb. 12, 2008. as amend is written. Plaintiff asserts these complication, and to said effects, weakening, numbness, tingling, to loss of control in right leg, had not occurred until after incident which occurred during recreation, "on dust ridden" floor/Basketball court, the 26th of October. Again ^{standing/} sitting for long periods of time, which here, ^{Plaintiff} is expected to do daily on steel ~~stools~~ stools, both cell & dayroom, or force to become bedridden Plaintiff is not receiving any medical care for his known "complaint of back pain, which hadn't extended beyond the treatment of an X-Ray and 1500 mg Muscle relaxer and 600mg I Buprofen. Which ~~receiving~~ (Relaxer) is impossible!

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. *At Cook County Department of Corrections, Procedure to Mop dust off gym room floor before use.*

Change procedure of medical 1.) immediate care to detainees injury/complaints, better pickup

2.) staff do not adopt or enforce any method of procedure to abuse labor of -

standard procedure of passing out & signing for prescribed med. licensed Technician

should only touch a detainee's prescribed medication. To be examined by a

Chiropractor, an appropriate physician, for lower back pain. physical, mental -

anguish suffered while prolonged carelessly for Medical Attention. Compensate -

VI. The plaintiff demands that the case be tried by a jury.

☒ YES

☐ NO

\$150,000.00

Yes

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this *12th* day of *Feb*, 20*08*

Develle Spencer

(Signature of plaintiff or plaintiffs)

Develle Spencer

(Print name)

20060097519

(I.D. Number)

Cook County Dept. of Corrections

P.O. Box 089002

Chgo, IL 60608

(Address)